



County of Los Angeles CHIEF EXECUTIVE OFFICE

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August 30, 2011

To: Mayor Michael D. Antonovich
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Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: William T Fujioka
Chief Executive Officer

WASHINGTON, D.C. UPDATE

This memorandum includes a pursuit of County position on Federal legislation to reauthorize the Title IV-B Child Welfare Services (CWS) and Promoting Safe and Stable Families (PSSF) Programs. This legislation also may become the vehicle to reauthorize the Secretary of Health and Human Services (HHS) to approve new child welfare waiver demonstration projects.

Pursuit of County Position on Legislation

H.R. 2790, bipartisan legislation which would reauthorize the CWS and PSSF Programs through Federal Fiscal Year (FFY) 2016, was introduced on August 2, 2011 by Representatives Geoff Davis (R-KY) and Lloyd Doggett (D-TX), who are the chairman and ranking member of the House Ways and Means Subcommittee on Human Resources. Under current law, the authorization for CWS and PSSF Programs expires at the end of FFY 2011 (September 30, 2011).

The Title IV-B CWS and PSSF Programs are formula grants, which assist states in providing services to children who have been abused or neglected or who are at risk of abuse and neglect. The CWS Program provides flexible funding to states for a broad range of services, including child abuse prevention, child protective services, family preservation services, adoption promotion and support services, and child welfare worker training services. The PSSF Program provides funding targeted at

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four categories of services: 1) community-based family support; 2) family preservation; 3) time-limited family reunification; and 4) adoption promotion and support.

Under H.R. 2790, the CWS and PSSF Programs would be reauthorized at their current law baseline funding levels in FFYs 2012 through 2016. As a result, CWS would be authorized at \$325 million a year while PSSF would be authorized at \$545 million a year, including \$345 million a year in mandatory funding which is not subject to available annual appropriations. Congress never has fully funded CWS and PSSF at their authorized levels. In FFY 2011, CWS was funded at \$281 million while PSSF was funded at \$428 million. In addition to reauthorizing CWS and PSSF funding, the bill also makes a number of minor programmatic changes and reauthorizes the Mentoring Children of Prisoners (MCP) competitive grant program through FFY 2016 at annual authorized level of \$25 million. Congress did not appropriate any funding for MCP in FFY 2011, but MCP was funded at roughly \$49 million a year in the previous four fiscal years.

In FFY 2010, California received a combined total of \$66.6 million in CWS and PSSF allocations. The County received a combined total of \$17.2 million in CWS and PSSF allocations in State Fiscal Year 2010-11.

The County's Federal Legislative Agenda includes policies supporting funding for family preservation, child protective services, and other services to promote the safety and well being of abused and neglected children, and the County has specifically supported Title IV-B funding for many years. **The County's Washington, D.C. advocates, therefore, will support H.R. 2790 or similar legislation which would reauthorize Title IV-B Child Welfare Services and Promoting Safe and Stable Families Programs.**

Status: H.R. 2790 was introduced shortly before Congress left for its August recess. The House Ways and Means Committee, which has jurisdiction over the bill, has not yet scheduled any action on the bill, and similar Title IV-B reauthorization legislation has not been introduced in the Senate. However, because the authorization for the CWS and PSSF Programs expires on September 30, 2011, Congress will attempt to quickly move the reauthorization legislation when it reconvenes after Labor Day. If agreement cannot be reached on a multi-year reauthorization bill, the programs could be reauthorized for one year as part of a FFY 2012 Continuing Resolution.

Staff-level discussions between the House Ways and Means Committee and Senate Finance Committee already have begun on the Title IV-B reauthorization bill. We understand that these discussions include the possible incorporation of language which would reauthorize and amend child welfare waiver authority into Title IV-B

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reauthorization legislation. The authority of HHS to approve new Title IV-E child welfare waivers expired on March 31, 2006, which was the same day on which California was granted a flexible funding waiver under which the County participates. However, under current law, HHS has the authority to renew existing waivers, such as California's.

As reported previously to your Board, there are two pending bills (H.R. 1194 and S. 1013), which would amend and extend child welfare waiver authority. H.R. 1194 passed the House on May 31, 2011 while there has not been any action on S. 1013, which was introduced on May 17, 2011. **To the extent that child welfare waiver language may be incorporated into Title IV-B reauthorization legislation, the County's Washington, D.C. advocates will pursue positions, as previously reported to your Board in May 2011.** That is, the County will support language which would extend the authority of HHS to grant new waivers or renew existing waivers and which would make it easier for state and local governments to renew provisions while opposing language which would reduce state and local flexibility under waivers or which would restrict the ability of California and/or the County to obtain extensions of its current Title IV-E Waiver.

The County's Washington, D.C. advocates also would oppose provisions in S. 1013 which would shorten the duration of waivers from 5 years to 3 years, prohibit HHS from extending waivers beyond September 30, 2018, and impose administratively costly or burdensome requirements on states. As an alternative, we also could support language clarifying that any new requirements or restrictions, such as those in S. 1013, would apply only to new waivers, which would be authorized by the bill, and not to existing IV-E waivers. Such clarifying language would be consistent with the intent of H.R. 1194, according to House Ways and Means Committee staff. Senate Finance Committee staff indicate that the intent of S. 1013 is that the September 30, 2018 sunset date for waivers would apply to all waivers, including the extension of existing waivers, but that none of the other provisions in the bill are intended to apply to existing waivers.

We will continue to keep you advised.

WTF:RA
MR:MT:sb

c: All Department Heads
Legislative Strategist